

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEFAULT JUDGMENT IN A CIVIL CASE

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL NO. 43 PENSION, ANNUITY AND HEALTH AND WELFARE FUNDS; CENTRAL NEW YORK JOINT APPRENTICESHIP AND TRAINING COMMITTEE FOR THE ELECTRICAL INDUSTRY, by Peter Dulcich, as Training Director; NATIONAL ELECTRICAL BENEFIT FUND, by D.R. Borden, Jr., and Jon F. Walters, as Trustees; CENTRAL NEW YORK LABOR MANAGEMENT COOPERATION COMMITTEE TRUST FUND by Ben Cook and Edwin D. Hill, as Trustee; I.B.E.W. Local Union No. 43, by William Towsley, as Business Manager; FINGER LAKES NEW YORK CHAPTER, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, by Marilyn Oppedisano, Chapter Manager

vs.

CASE NUMBER: 5:09-CV-87 (GTS/DEP)

KAY-R-ELECTRIC CORPORATION; KEVIN M. O'CONNOR; PHILLIP O'CONNOR; and Jeffrey Hanretty, Individually and as an Officers of Kay-R Electric Corporation

Decision by Court. This action came to hearing before the Court.

The issues have been heard and a decision has been rendered.


IT IS ORDERED AND ADJUDGED

That plaintiffs' Motion for Partial Default Judgment with regard to the First, Second, Third and Fourth Causes of Action is granted in part and denied in part and plaintiff's Fifth Cause of Action is deemed voluntarily withdrawn. Defaulting defendants Kay-R Corporation, Kevin M. O'Connor and Phillip O'Connor are directed to pay plaintiffs' the total sum of \$210,069.43 which is broken down as follows: \$67,567.19 in unpaid contributions, \$47,352.10 in interest on the unpaid contributions, \$51,943.01 in liquidated damages, \$24,105.00 in attorney's fees, \$2,886.85 in costs and \$16,215.28 in audit fees.

Further that upon stipulation of the parties, this action was discontinued against defendant Jeffrey Hanretty on 2/7/2011.

All of the above pursuant to the orders of the Honorable Judge Glenn T. Suddaby, dated the 7/21/2011 and 2/7/2011.

DATED: August 24, 2011


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk